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NOV 21 2016

In the Iowa Supreme Court

**In the Matter of Adopting the
Iowa Rules of Electronic
Procedure as Chapter 16
of the Iowa Court Rules**

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Order**CLERK SUPREME COURT**

The Iowa Supreme Court adopts the Iowa Rules of Electronic Procedure to be set forth in chapter 16 of the Iowa Court Rules as provided with this order. The rules govern the Iowa Judicial Branch electronic document management system known as EDMS.

The Iowa Rules of Electronic Procedure are the result of extensive study, review, and drafting, including two rounds of valuable public comment. The court thanks the many judicial branch personnel, members of the bar, and members of the public who have helped shape these rules through countless hours of meetings and discussion and by providing well considered public comments.

Such input from so many stakeholders has been instrumental in producing a new and unique set of procedural rules for the Iowa court system. The new rules will be cited as "Iowa R. Elec. P." The supreme court will regularly monitor and review how the new rules are working in practice and make any necessary adjustments.

The Iowa Rules of Electronic Procedure, chapter 16 of the Iowa Court Rules, as provided with this order are temporarily adopted, effective immediately. The new rules will permanently take effect February 1, 2017, subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

Dated this 21st day of November, 2016.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

Copies to:

- ✓ Iowa Supreme Court
- ✓ Iowa Court of Appeals
- ✓ Chief Judges
- ✓ Senior Judges
- ✓ District Court Judges
- ✓ District Associate Judges
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- ✓ District Court Administrators
- ✓ Supreme Court Clerk
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- ✓ Iowa Association of Administrative Law Judges
- ✓ Iowa Clerk of Court Association
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- ✓ The Iowa State Bar Association
- ✓ Iowa Academy of Trial Lawyers
- ✓ Iowa Association for Justice
- ✓ Iowa Legal Aid
- ✓ Iowa Defense Counsel Association
- ✓ Iowa Association of Criminal Defense Lawyers
- ✓ Public Defenders Association of Iowa
- ✓ Iowa County Attorneys Association
- ✓ Iowa Association of Women Attorneys

- ✓ Iowa Chapter—National Bar Association
- ✓ Iowa Newspaper Association
- ✓ Iowa Broadcasters Association
- ✓ Iowa Association of Corporate Counsel
- ✓ Iowa Society of Healthcare Attorneys
- ✓ Iowa Court Reporter Association (Official Court Reporters)
- ✓ Iowa Police Chiefs Association
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- ✓ Drake University Law School
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Chapter 16
Iowa Rules of
Electronic Procedure

Division I
Scope and Authority

Rule 16.101 Scope and applicability.

16.101(1) The rules in this chapter govern the filing of all documents in the Iowa Judicial Branch electronic document management system (EDMS) in cases commenced on or after the initiation of electronic filing in an Iowa county or in the Iowa appellate courts. The rules of this chapter also govern the electronic filing of documents in cases converted to electronic cases.

16.101(2) Chapter 16 comments serve solely as explanation of the Iowa Rules of Electronic Procedure and are not a part of the rules.

16.101(3) The Iowa Rules of Electronic Procedure will be cited as “Iowa R. Elec. P.”

Comment:

Rule 16.101. EDMS is designed to provide more efficient and less costly access to the Iowa court system for parties, attorneys, and other users by enabling access to their cases 24 hours per day, 7 days per week from anywhere with Internet access.

Rule 16.102 Cases pending prior to electronic filing.

16.102(1) A case pending prior to the initiation of electronic filing in a particular county is not subject to the requirements of

this chapter. A party, however, may apply to convert a case not subject to the requirements of this chapter to an electronic case.

16.102(2) If the court approves an application to convert a case to electronic filing, the rules of this chapter govern the electronically converted portion of the case. The court will determine how the case will be converted to an electronic file and which party, if any, should bear the costs of such conversion.

16.102(3) For efficiency in court operations, the chief judge of the judicial district may order the electronic conversion of any case not already subject to the requirements of this chapter.

16.102(4) Any electronically converted document is subject to the redaction requirements related to protected information in division VI of this chapter. Documents filed prior to the conversion order may be scanned for the convenience of the court, but the electronic documents will be set at a security level available only to the court. The original paper portion of any converted file is not subject to the Iowa Rules of Electronic Procedure unless the court orders otherwise.

Rule 16.103 Relationship to other court rules. To the extent these rules are inconsistent with any other Iowa court rule, the rules in this chapter govern electronically filed cases and cases converted to electronic filing.

Rule 16.104 Authority. These rules are adopted under the authority granted to the Iowa Supreme Court by article V, section 4, of the Iowa Constitution and by Iowa Code section 602.1614

(judicial branch acceptance, distribution, and retention of electronic records).

Rules 16.105 to 16.200 Reserved.

Division II **Definitions**

Rule 16.201 Definitions. The following terms, as used in this chapter, are defined as follows:

16.201(1) Confidential. “Confidential” means court files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

16.201(2) Court-generated document. “Court-generated document” means a document that is created and signed by court personnel, including judges, magistrates, court administrators, clerks of court, and any designees of each.

16.201(3) Court record. “Court record” means for all cases the electronic files maintained in EDMS, filings the clerk of court maintains in paper form when permitted by these rules, and exhibits and other materials filed with or delivered to the court that the clerk maintains.

16.201(4) Document. “Document” means an instrument on which is recorded, by means of letters, figures, or marks, the original, official, or legal form of something, which may be used in

evidence. A document is any physical embodiment of information or ideas, which may be in electronic or paper form.

16.201(5) *EDMS.* “EDMS” means the electronic document management system, the Iowa Judicial Branch electronic filing and case management system.

16.201(6) *Electronic.* “Electronic” means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

16.201(7) *Electronic cover sheet.* “Electronic cover sheet” means the information that registered filers type into EDMS when they create a new case or electronically file or present documents to the court. The cover sheet enables EDMS to correctly route the filing.

16.201(8) *Electronic filing.* “Electronic filing” means the EDMS receipt of a document submitted to EDMS for filing. The posting of “received,” “awaiting approval,” or “filed” status in the filer’s EDMS account serves as confirmation that EDMS has received the filer’s submission.

16.201(9) *Electronic presentation.* “Electronic presentation” means the process by which a party or filer may electronically deliver a document to the court for review or other court action. A document is not filed when electronically presented to the court through EDMS.

Comment:

“Electronic presentation.” Formerly, parties and attorneys could physically hand a judge an unfiled document or draft order for consideration. With the implementation of EDMS, this process must now be done electronically. Electronic presentation is initiated through the selection of the “Document Type” on the electronic cover sheet. Most document types that are electronically presented are “Proposed Document” types (proposed orders, proposed dissolution decrees, or documents proposed for restricted access, for

example). Other document types, however, such as trial informations and accompanying minutes of testimony, are also presented electronically to the court. A document that is electronically presented is available for the court to view, and is not a part of the court file unless the court or a party or attorney later files the document. The electronic presentation of a document has no impact on whether a party or attorney should or must be present when the court reviews the document. In addition, electronic presentation does not modify the ethical obligations or requirements of the parties, attorneys, and court regarding ex parte communications.

16.201(10) *Electronic record.* “Electronic record” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

16.201(11) *Electronic service.* “Electronic service” means the EDMS electronic posting of a notice of electronic filing or presentation into the registered parties’ or attorneys’ EDMS accounts, along with a link to the document presented or filed. Although a courtesy copy of the notice of electronic filing or service may be sent by email, service is considered complete when the notice is electronically posted to the user’s EDMS account. The registered party may view and download the presented or filed document. See rule 16.315(1)(f) (electronic service of documents).

16.201(12) *File stamp.* “File stamp” means in the district court the date, time, and county information that is affixed at the top of the first page of a document when it is filed in EDMS. “File stamp” means in the appellate courts the date of filing with the clerk of the supreme court affixed along the left margin of a document’s first page when it is filed in EDMS.

16.201(13) *Filing agent.* “Filing agent” means an officer, employee, or nonattorney representative of an entity, such as a partnership, association, corporation, or tribe, who is authorized by Iowa law to appear on behalf of that entity because of the

nature of the proceeding. See rule 16.201(34) (definition of “self-represented”).

16.201(14) *Governmental agency.* “Governmental agency” means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government, the state, or a county, municipality, or other political subdivision of the state, including a court-approved nonprofit designee of such governmental agency.

16.201(15) *Hyperlink.* “Hyperlink” means an electronic connection or reference to another place in the document or other cited authority which, when selected, shows the portion of the document or the cited authority to which the hyperlink refers.

16.201(16) *In camera.* “In camera” means in the judge’s chambers, or in private, out of public view.

16.201(17) *Information.* “Information” means documents, text, images, sounds, codes, computer programs, software, databases, or the like.

16.201(18) *Judicial branch.* “Judicial branch” means the Iowa Judicial Branch of government and all courts, judicial officers, clerks of court, and offices of the courts of the State of Iowa.

16.201(19) *Jurisdictional deadline.* “Jurisdictional deadline” means a deadline set by rule or statute that the court may not extend or change.

16.201(20) *Nonelectronic filing.* “Nonelectronic filing” means a process by which a paper document or other nonelectronic item is filed with the court and retained in nonelectronic form. See rule

16.313 (nonelectronic filings). “Nonelectronic filing” means, for parties with an exception from the electronic filing registration requirement, submitting a paper document to the clerk for scanning and electronic filing. See rule 16.303 (submission of paper documents).

16.201(21) *Nonregistered filer.* “Nonregistered filer” means a party who has received an exception from the Iowa Judicial Branch electronic registration requirement and is authorized to submit nonelectronic documents in a case. See rule 16.302(2) (exceptions from electronic filing requirements).

16.201(22) *Notice of case association.* “Notice of case association” means an electronic submission by a party or filing agent to obtain access to the case and receive notifications of filings after the party or filing agent has registered in EDMS.

16.201(23) *Notice of electronic filing or presentation.* “Notice of electronic filing or presentation” means the notice EDMS generates when a document is electronically filed or electronically presented to the court. The notice of electronic filing or presentation indicates the official file-stamp date and time of the electronic filing of the document in local time for the State of Iowa. See rule 16.307 (electronic file stamp). When a document or proposed document is electronically filed or presented to the court, EDMS will post a notice of electronic filing or presentation to the EDMS account of all parties who are registered filers in the case. Such parties may view and download the document or proposed document by logging in to their accounts.

Comment:

“Notice of electronic filing or presentation.” EDMS sends a courtesy notice of electronic filing or presentation by email to the filer and to any other registered party who has entered an appearance or answer in the case, filed a notice of case association, or filed an appearance as a court-approved intervenor. However, parties are cautioned that such emails are provided only as a *courtesy* service and should not be relied upon as a party’s source for obtaining notifications. A courtesy email message is not an official notification of the filing of a document and is not official service of any document listed in the message. Due to the unique features and settings of individual email accounts, EDMS cannot ensure that emailed notices of electronic filing or presentation will actually be received by a party or that such notices will be received in a timely manner. Parties receive *official* notifications through their EDMS accounts and they should rely solely upon those accounts to obtain notices of electronic filing or presentation. EDMS sends additional courtesy email messages to the filer when the status of a filing is updated to “received,” “approved,” “filed” (for presented documents only), or “returned not filed.” The official update to the status of a filing is posted to the filer’s EDMS account under My Filings.

16.201(24) Party. “Party” means a person or entity by or against whom a case or part of a case is brought, including a plaintiff, petitioner, defendant, third-party defendant, or respondent. “Party” also includes a court-approved intervenor, or any other person or entity defined as a party to a case by a statute, rule, or court order. When a party appears, the clerk of court will index that party to the case, providing case access and receipt of notifications. When one or more attorneys have entered an appearance on a party’s behalf, references in these rules to service upon or filings by a party mean service upon or filings by that attorney or those attorneys. When a rule or statute requires a criminal defendant to be served with a document, service on the defendant must be made personally or electronically.

16.201(25) Proposed document. “Proposed document” means a document electronically presented to the court for review or other court action. A proposed document, other than a

proposed exhibit, is not filed until the court takes action on it. See rule 16.412(2) (electronic submission of proposed exhibits).

16.201(26) *Protected information.* “Protected information” means the types of information referenced in rule 16.602.

16.201(27) *Public.* “Public” refers to court files, documents, or information that is not confidential or protected.

16.201(28) *Public access terminal.* “Public access terminal” means a computer located in a courthouse through which the public may view, print, and electronically file documents.

16.201(29) *Redact.* “Redact” means to delete, white out, black out, or otherwise hide text or images on a copy of an original document. The original document becomes confidential and the redacted version becomes the public version of the document.

16.201(30) *Registered filer.* “Registered filer” means a person or entity that has registered with EDMS and uses a login and password to file documents electronically in the Iowa court system. In cases in which the registered filer is a party and has entered an appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor, the registered filer will electronically serve and receive notice of most filed or presented documents. A registered filer, other than a registered specialized nonparty filer, can also electronically view and download files. See rules 16.305 (registration, logins, and passwords) and 16.315 (service of documents subsequent to original notice). But see rule 16.314(3) (service of original notices).

16.201(31) *Remote access.* “Remote access” means the ability to electronically search, view, copy, or download electronic

court documents without visiting a courthouse. Remote access to documents is available to registered filers and specialized nonparty users. The status of the registered filer or specialized nonparty user determines the filer's or user's level of remote access to restricted access documents. See rule 16.502 (access to electronic court files).

16.201(32) *Restricted access.* "Restricted access" means a case, docket entry, or document, including physical or digital exhibits, which the court has placed at a nonpublic security level or that EDMS has automatically placed at a nonpublic security level based on federal or state law or by court rule or administrative rule. See rule 16.405 (restricting access to filings).

16.201(33) *Scanned document.* "Scanned document" means an electronic version of a paper document created by scanning the document.

16.201(34) *Self-represented.* "Self-represented" means persons or parties who represent themselves without the assistance of an attorney. An entity such as a partnership, association, corporation, or tribe may be self-represented when it is otherwise authorized by law to be represented by an officer, employee, or nonattorney representative. See, e.g., Iowa Code § 631.14(1); *In re N.N.E.*, 752 N.W.2d 1, 12-13 (Iowa 2008). Except where this chapter specifically indicates otherwise, "attorney" includes self-represented litigants. See rule 16.201(13) (definition of "filing agent").

16.201(35) *Signature.* "Signature" means, for the purpose of electronically filing a document in EDMS, one of three formats.

a. For a registered filer electronically filing a document, “signature” means the registered filer’s login and password, accompanied by one of the following approved signature representations and a block of identifying information as described in rule 16.305(4) (signature block):

1. “Digitized signature” means an electronically applied, accurate, and unaltered image of a person’s handwritten signature.

2. “Electronic signature” means an electronic symbol, either “/s/” or “/efiler’s name/,” that a person has executed or adopted with the intent to sign the document.

3. “Nonelectronic signature” means a handwritten signature applied to an original document that is then scanned and electronically filed.

b. For a nonregistered filer or party signing a document, or for a registered filer signing a document that another filer will electronically file, “signature” means the filer’s or party’s name affixed to the document as a digitized or nonelectronic signature, along with a block of identifying information as described in rule 16.305(4).

Comment:

“Signature.” For EDMS filing, a “digital signature” must be treated like a nonelectronic signature. “Digital signature” means a complex string of electronic data that is embedded in an electronic document for the purposes of verifying document integrity and signer identity. It can also be used to ensure that the original content of the message or document that has been delivered is unchanged. When a document is filed in EDMS, it is modified by the electronic file stamp. This causes digitally signed documents to display as altered in EDMS. The filer should print the digitally signed document showing a representation of the signature and the verifying codes, then scan and electronically file the resulting document. If the digitally signed document is an original document as described in rule 16.411, the filer must retain the original document.

16.201(36) *Specialized nonparty filer.* “Specialized nonparty filer” means a filer who may file documents in multiple cases without being a party, such as a bail bond agent or a service provider. See rule 16.304(1)(b)(3) (specialized nonparty filer registration).

16.201(37) *Specialized nonparty user.* “Specialized nonparty user” means a nonparty other than an attorney registered to electronically view and download information from electronic files that are not confidential or protected. A specialized nonparty user may view or download documents in multiple cases and may have access to restricted information. A qualified abstractor is a specialized nonparty user who may have access to birth dates and names of children. See rule 16.304(1)(d) (requirements for specialized nonparty user registration) and 16.502(2) (abstractor remote access).

Rules 16.202 to 16.300 Reserved.

Division III General Provisions

Rule 16.301 Electronic document management system (EDMS). The clerk of court is responsible for maintaining an electronic court file in EDMS for all cases filed under this chapter,

receiving case filings into EDMS by electronic transmission and scanning documents into EDMS for nonregistered parties.

Rule 16.302 Electronic filing mandatory.

16.302(1) *Electronic registration and filing requirements.* All attorneys authorized to practice law in Iowa, all attorneys admitted pro hac vice, and all self-represented persons, except as this chapter provides, must register to use EDMS as provided in rule 16.304(1). Registered filers must electronically submit all documents to be filed with the court unless this chapter or the court otherwise requires or authorizes.

16.302(2) *Exceptions from electronic filing requirements.*

a. One-time exceptions. For good cause, the court at any time, or the clerk of court while the clerk of court office is open, will authorize any filer to submit a document on a one-time basis nonelectronically to the clerk for filing.

b. Self-represented defendants. A self-represented individual defendant who is not yet a registered filer is permitted to make that defendant's initial filing, such as an answer, in paper.

c. Duration of case exceptions. For good cause, the chief judge of the judicial district in which a case is pending, or the chief judge's designee, will excuse a self-represented individual party from registering to file electronically and from filing electronically throughout the case. For purposes of this paragraph, good cause includes lack of regular access to the Internet through a device suitable for reading documents maintained at the party's residence or on the party's person.

d. Court order requirement. Grants and denials of requests for exceptions from registering to file electronically throughout the case will be made by court order.

Comment:

Rule 16.302(2). Implementation of electronic filing in Iowa courts should not impede any person's access to justice. When there are legitimate reasons preventing a person from electronic filing, the court should grant that person an exception. A self-represented individual party not only needs to be able to make electronic filings, but also needs to be able to receive and read new electronic filings in a timely manner. Thus, if a party's only access to the Internet is through a public access terminal at a courthouse or through a public library, this should constitute good cause for an exception, if requested, from the requirements for electronic participation in a case. Other grounds may also constitute good cause for an exception from the EDMS registration requirement in a particular case.

16.302(3) Exceptions by rule. The following persons are excused from the EDMS registration and electronic filing requirements without the necessity of a court order:

a. Self-represented criminal defendants. A self-represented criminal defendant is not required to be but may choose to be a registered filer.

b. Confined parties. A party who is confined pursuant to governmental authority, including but not limited to a person who is incarcerated or civilly committed, is excused from registering to file electronically.

c. Self-represented parents. Self-represented parents of a minor who are parties in a juvenile case are excused from registering to file electronically.

d. Excused persons may become registered filers. If a person excused under this rule chooses to register, the person waives the exception from registering to file electronically and is governed by these rules in the same manner as any registered filer. If the person later desires to be excused from registration, the person

must apply for and receive an exception pursuant to the rules of this chapter.

Rule 16.303 Submission of paper documents.

16.303(1) *Submission of paper documents for scanning.*

a. Delivery to clerk of court. If a court authorizes the clerk of court to scan a paper document, the document must be printed on only one side and delivered to the clerk with no tabs, staples, or permanent clips, but it may be organized with paperclips, clamps, or some other type of temporary fastener, or it may be delivered to the clerk in an appropriate file folder.

b. Redacted versions of paper documents containing protected information. If a paper document contains protected information, the filer must make the same redactions that rule 16.605 requires for electronic filings before filing the document in paper. For original documents that the filer has not created, the filer must deliver both a redacted version and the original version of the document to the clerk of court unless rule 16.605(2)(c) applies.

c. Civil cover sheets and confidential information forms. When a filing requires it under the Iowa Rules of Civil Procedure, a filer who is excused from registering to file electronically must complete a civil cover sheet and confidential information form in paper.

16.303(2) *Return of documents by mail.* If a filer wants the clerk to return an original document that was submitted in paper,

the filer must provide the clerk of court a self-addressed, stamped envelope large enough to accommodate the document.

16.303(3) *Court retention of paper documents.* Except as otherwise provided in these rules, the court will not retain paper documents submitted to it. *See, e.g.,* rule 16.313(1) (items that may be filed nonelectronically).

16.303(4) *Paper court files.* Except as otherwise provided in these rules or as the court directs, the clerk of court will not maintain paper court files in cases commenced on or after the initiation of electronic filing in a particular county or in the appellate courts. *See, e.g.,* rule 16.313(1) (items that may be filed nonelectronically).

16.303(5) *Application of redaction rules for personal privacy protection.* The redaction rules for personal privacy protection in division VI of this chapter apply to paper documents submitted for scanning and electronic filing.

Rule 16.304 Registration; logins; passwords.

16.304(1) *Registration.*

a. Registration requirement. Registration is required to file documents electronically in any case this chapter governs and to remotely access and download electronically filed documents. *See* rules 16.302(1) (electronic registration and filing requirements) and 16.502 (access to electronic court files).

b. Filer registration. To file documents with the court electronically, filers, self-represented litigants, and specialized nonparty filers must complete the EDMS registration process.

Filers can request an account and obtain a login and password for EDMS in the electronic filing section of the Iowa Judicial Branch website. Filers can access the registration process with personal computers or by using public access terminals at county courthouses.

(1) *Requirements for pro hac vice registration.* Before registering to use EDMS, an out-of-state attorney must first make application for and be admitted pro hac vice pursuant to chapter 31 of the Iowa Court Rules, Admission to the Bar. The in-state attorney appearing with the out-of-state attorney in the proceeding must file the application for admission pro hac vice. If the court grants the application, the out-of-state attorney must complete the registration process in the electronic filing section of the Iowa Judicial Branch website and enter an appearance in the case.

(2) *Requirements for filing agent registration.* An officer, employee, or other nonattorney representative electronically filing for an entity such as a partnership, association, corporation, or tribe must register as a filing agent. If the filing agent appears on behalf of multiple entities under the rules of this chapter, the agent must register separately for each entity the agent represents. See rule 16.201(13) (definition of “filing agent”).

(3) *Requirements for specialized nonparty filer registration.* Specialized nonparty filers must register to file electronically. Specialized nonparty filers may include bail bond agents, process servers, and other persons who generally are not considered parties but who need to file documents in multiple cases.

c. Law student and law graduate registration requirements.

(1) To use EDMS, a law student or law graduate qualified to engage in the practice of law or appear as counsel must contact EDMS Support at the number or email address located on the electronic filing login page of the Iowa Judicial Branch website to obtain an application for registration. The student or graduate must submit a completed application, signed by a supervising attorney, to obtain a login and password.

(2) The student or graduate must enter an appearance in each case in which the student or graduate is practicing and must file to withdraw from each case when the student's or graduate's practice is completed.

(3) Upon termination of the supervision of the student's or graduate's practice, the supervising attorney must notify EDMS Support to have the student's or graduate's registration inactivated.

(4) A law student or law graduate in good standing who resumes practice before admittance to the bar must reinstate his or her former registration by submitting a new application for registration signed by a current supervising attorney.

(5) Once the student or graduate is licensed to practice law in Iowa, the new attorney must withdraw from the law student account and register with the attorney identification number (AT PIN) assigned by the office of professional regulation.

d. Registration requirements for specialized nonparty users and abstractors.

(1) To register, specialized nonparty users must request an application through EDMS Support at the telephone number or

email address located on the electronic filing login page of the Iowa Judicial Branch website.

(2) Abstractors are specialized nonparty users. For the purpose of remote access to court documents and otherwise restricted information, an abstractor must either qualify as a “participating abstractor” as recognized by the Title Guaranty Division of the Iowa Finance Authority, be a licensed abstractor at such time that abstractors are licensed in the State of Iowa, or be substantially equivalent to a “participating abstractor” as determined by the state court administrator or the state court administrator’s designee.

e. Changing passwords. Once registered, a registered filer must change the filer’s password. If a registered person or entity believes the security of an existing password has been compromised, the person or entity must change the password immediately. The court may require password changes periodically.

f. Changes in filers’ contact information. If a registered filer’s email address, mailing address, or telephone number changes, the filer must promptly make the necessary changes to the registered filer’s account information on the My Profile page in the filer’s EDMS account. The filer must provide appropriate notice of changes in contact information to any nonregistered filer in every active case.

g. Duties of registered filers.

(1) *To update email.* Registered filers must maintain current registered email account information.

(2) *To monitor account.* Registered filers must monitor their accounts regularly and ensure that notifications sent to the account are timely opened.

(3) *To notify the court when no longer able to participate.* Registered filers who can no longer participate electronically in their cases must notify the court and request an exception from electronic filing in each case. See rule 16.302(2). When the registered filer has received an exception in each of the filer's open cases, the registered filer must withdraw from participation in electronic filing before the exceptions become effective.

h. Withdrawal from electronic filing. Registered filers may withdraw from participation in EDMS by logging in to the My Profile page of the filer's EDMS account or by contacting the clerk of court. Upon the withdrawal from electronic filing, the person's or entity's registration, login, and password are canceled and the filer's name is deleted from any applicable electronic service list. A registered filer's withdrawal from participation in EDMS is not authorization to file cases or documents nonelectronically. To file nonelectronically, the filer must obtain an exception from the electronic filing requirement from the chief judge of each judicial district where the filer has a case pending. The filer should obtain an exception from electronic filing before withdrawing from EDMS. A registered filer's withdrawal from participation in EDMS is not a withdrawal from a case.

16.304(2) *Logins and passwords.* Filers must use logins and passwords to file documents electronically.

a. Any electronic filing, downloading, or viewing of an electronic file or document is deemed to be made with the authorization of the person registered to use the login and password unless and until clear and convincing evidence proves otherwise.

b. A registered filer must not knowingly permit the filer's login and password to be used by any other person except:

(1) A registered attorney may permit the attorney's login and password to be used by an authorized member or staff of the attorney's law office.

(2) A registered filer for an entity or governmental agency may permit the filer's login and password to be used by an authorized member or staff of the entity or governmental agency.

c. If a login or password is lost, misappropriated, misused, or compromised in any way, the person registered to use that login or password must promptly contact EDMS Support at the number or email address located on the electronic filing login page of the Iowa Judicial Branch website. If a login or password is lost, misappropriated, misused, or compromised in any way, the court may cancel the registration. The registered person or entity may be required to apply for a new password and login by completing a new registration.

d. For good cause, the court may refuse to allow a user or a filer to electronically file or download information in EDMS. The affected user or filer may apply with the court to reregister. Improper use of electronic filing, such as an intentional misuse or reckless use of a password or login, may subject a person to court

sanctions. A person prohibited from electronic filing is not excluded from using the court system, but the person must obtain authorization under rule 16.302(2) to submit paper documents to the clerk for filing.

e. For system security reasons, a registration may be immediately suspended.

Rule 16.305 Signatures.

16.305(1) *Registered filers.* A registered filer's login and password required for submission of documents to EDMS, accompanied by a digitized, electronic, or nonelectronic signature representation and a signature block as described in rule 16.305(4)(a), serve as the registered filer's signature on all electronic documents filed with the court. These also serve as a signature for purposes of the Iowa Rules of Civil Procedure, any other applicable Iowa Court Rules, and for any other purpose for which a signature is required in connection with proceedings before the court.

16.305(2) *Nonelectronic signatures.* If a document contains a nonelectronic signature, the signed document must be scanned for electronic filing.

16.305(3) *Documents requiring oaths, affirmations, verifications, acknowledgements, or notarization.* Any document requiring that a signature be made under oath or affirmation or with verification or acknowledgement, or any document being notarized, must be either signed by the subscriber

nonelectronically and scanned for electronic filing or signed by the subscriber with a digitized signature. The same requirements apply to any oath giver's or witness's signature.

Comment:

Rule 16.305(3). A notary signature cannot be an electronic /s/ signature; it must be a digitized or nonelectronic signature. The notary seal may be electronic pursuant to Iowa Code chapter 9B. If the law requires the document to be signed in the notary's presence, the oath giver's and witness's signatures must be either nonelectronic or digitized (applied by a mechanism such as a signature pad that captures an unaltered image of the signer's signature). See Iowa Secretary of State website for additional information on notarization.

16.305(4) *Signature blocks.* Any filing requiring a signature must be signed with a signature representation authorized by these rules and accompanied by a block of identifying information.

a. The following identifying information about the person signing the filing, to the extent applicable, must be typewritten or printed under the person's signature representation:

1. Name.
2. Law firm or name of partnership, association, corporation, or tribe on behalf of which the filing agent is signing.
3. Mailing address.
4. Telephone number.
5. Email address.
6. The email addresses of any other persons at the law firm who are to be notified of additions or corrections to the electronic file.

b. Victims and protected persons may omit mailing addresses, telephone numbers, and email addresses from their signature block when necessary for their protection.

c. Registered filers are responsible for promptly updating the information in (1) through (6) of rule 16.305(4)(a) in their EDMS account. Nonregistered filers are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

Comment:

Rule 16.305(4). Under the signature rules of chapter 16, the following signature blocks are valid:

/s/Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

Or,

/s/ with name typed beside symbol as follows:
/s/ Judith Attorney
Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

Or,

/Judith Attorney/
Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

Or,


Judith Attorney

Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

If the attorney logged in is not the attorney signing, the document must be signed by both, including a signature block for each attorney.

/s/ Judith Attorney

Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

And

/s/ Andrew Attorney
Andrew Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
AAttorney@Law.gov

16.305(5) *Multiple signatures.*

a. By filing a document containing two or more signatures, the registered filer confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

b. To receive notice of the filing of subsequent documents in the case, any persons signing the document must be registered filers.

c. After following the requirements of this rule, the registered filer must either:

(1) Scan the original document, with all of the signatures attached, and file the document electronically; or

(2) Electronically file the document in a portable document format (.pdf) using a signature format set out in the comment to rule 16.305(4).

16.305(6) *Signatures presumed valid.*

a. A signature on an electronically filed document is presumed valid and authentic until established otherwise by clear and convincing evidence.

b. A digitized or nonelectronic signature on a document that a governmental agency electronically files for the purpose of obtaining court action or any other signature the court has approved is presumed valid even if the signature is not from a registered filer.

Comment:

Rule 16.305(6). This rule does not supersede any foundation or proof requirements contained in the Iowa Code or the Iowa Court Rules.

16.305(7) *Disputing authenticity or validity of signatures.* An attorney or a party who disputes the authenticity or validity of any digitized, nonelectronic, or electronic signature on an electronically filed document must file an objection to the signature within 30 days after the attorney or party knew or should have known the signature was not authentic or valid.

Rule 16.306 Electronic filing.

16.306(1) *Electronic cover sheets.*

a. A registered filer must complete an electronic cover sheet for each filing by entering the proper information into EDMS.

b. Governmental agencies may obtain state court administration approval to use alternative software to exchange electronic records with EDMS. The alternative method for filing or presenting documents must enable correct routing and docket entry of the documents to permit an exception to the electronic

cover sheet requirement. The alternative method must also accommodate requests for expedited relief and requests to restrict access to documents.

Comment:

Rule 16.306(1). A filer must complete the electronic equivalent of a cover sheet when initiating a case or filing or presenting a document or group of documents for electronic filing. The electronic cover sheet is a series of web pages on which the filer enters information. These web pages differ depending on whether the document is related to a criminal or civil case or whether the document is being filed in a new case or an existing case. A properly completed electronic cover sheet will route the document to the correct electronic file and will create a correct docket entry for the document. The electronic cover sheet may also notify the court of a request for expedited relief or ensure that access to a document is properly restricted. An electronic cover sheet for a new civil case replaces the paper civil cover sheet required by Iowa Rule of Civil Procedure 1.301(2). Only parties excused from registration will file the paper form of the civil cover sheet and the confidential information form.

16.306(2) *Filing.* A document is considered filed or presented at the time EDMS has received it, unless the clerk of court returns it.

Comment:

Rule 16.306(2). When EDMS receives a district court document, the file stamp records the date and time and generates a status update in the filer's EDMS account. The document is not considered received until the status of "received," "awaiting approval," or "filed" is displayed in the filer's EDMS account. EDMS will generate a status update upon case initiation or a notice of electronic filing or presentation in all other instances that confirms EDMS has received the document. Subject to security and jurisdictional rules, the system also generates a notice of electronic filing or presentation to indexed case parties. When the clerk of court reviews and approves the submission, the system generates a date and time stamp on the document that is the same as the date and time the system noted in the status update—the time EDMS first received the filer's submission in the system. This is the date and time of the official filing of the document with the court system. For example, a filer submits a document to the system at 9:58 p.m. on Thursday, March 30, 2016. Soon after, the status message on the filer's My Filings page will read "Received" and then "Awaiting approval" (for presented documents, the status will be "Filed"). The filer then knows the date and time that the court has received the filing. The following Monday morning the clerk reviews and approves the filing. The system will place a file stamp on the document of 9:58 p.m., March 30, 2016. The clerk of court may also return an incorrect submission with instructions to correct the filing. See rule 16.308(2)(d)(2). In this circumstance, the document is not filed and the date and time of filing that the system tracked are not retained. Upon resubmission of the document, a new date and time of filing are assigned and a new status update and notice of electronic filing or presentation are generated.

16.306(3) *Emailing or faxing documents does not constitute electronic filing.* Emailing or faxing a document to the clerk of court or to the court will not generate a file stamp or a notice of electronic filing or presentation and will not result in the filing of the document.

Rule 16.307 Electronic file stamp.

16.307(1) Each document electronically filed with the clerk of court receives a file stamp reflecting the date and time that it was initially received by EDMS.

16.307(2) Each document electronically filed with the clerk of the supreme court receives a file stamp reflecting the date that it was received by EDMS.

16.307(3) The date and time on the file stamp will be consistent with the notice of electronic filing or presentation on the filer's status update. The electronic file stamp becomes a part of the electronic document and is visible when the document is printed or viewed online. Electronic documents are not officially filed unless they have an electronic file stamp. Electronic file stamps have the same force and effect for electronic submissions as nonelectronic file stamps for nonelectronic submissions. See rule 16.201(12) (definition of "file stamp").

Rule 16.308 Docket entries.

16.308(1) Selecting document types. For each electronically filed document, a filer must choose an accurate document type from the options listed on the electronic cover sheet.

16.308(2) *Correcting document types.*

a. Clerk of court to correct document types. Once a document is submitted into EDMS, only the clerk of court may make corrections to the document type the filer has chosen.

b. Clerk of court to correct docket entries. If a docket entry is incorrect, only a clerk of court can correct the docket entry. The docket will reflect that the clerk made a change to a docket entry.

c. Errors that filers discover.

(1) If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the clerk of court as soon as possible. When contacting the clerk, the filer must have available the case number of the document that was filed or docketed erroneously.

(2) A filer may not refile or attempt to refile a document that has been erroneously filed or docketed unless the clerk of court specifically directs the filer to do so.

(3) To meet a deadline, a filer who discovers an error in the electronic filing or docketing of a document but who cannot immediately contact the clerk of court may resubmit a corrected document.

d. Errors that clerks of court discover.

(1) If the clerk of court discovers an error in the filing or docketing of a document, the clerk will ordinarily notify the filer of

the error and advise the filer of what further action the filer must take, if any, to address the error.

(2) The clerk of court may return the submission to the filer with an explanation of the error and instructions to correct the filing. In such instances, it is the responsibility of the filer to keep a record of the notice EDMS generated to verify the date and time of the original submission. The rules of this chapter are not intended to address whether a filer who submits a corrected filing after return of the original submission may have the date and time of the corrected filing relate back to the date and time of the original submission.

(3) If the error is minor, the clerk of court may, with or without notifying the parties, either correct or disregard the error.

(4) An error in the filing or docketing of a document may be an error that adversely affects the proper processing of the document by EDMS, such as a document that is filed in the wrong case, a document that is filed with the wrong event code, or a document that is scanned incorrectly. It may also be an omission of information necessary to properly identify the parties initiating a new case or the subjects of a warrant, a failure to pay a required filing fee, an error that prevents the correct filing fee from being charged, or the omission of a signature from a filing that must be signed.

Comment:

Rule 16.308(2). This rule addresses instances when a filer selects an incorrect document type or submits documents that cannot be correctly filed or docketed. The clerk of court may return a submission to the filer for correction when, for example, a document is scanned upside down or sideways, is scanned in such a way that the file stamp cannot be applied, is improperly attached to other documents, or is submitted under the wrong docket entry such that EDMS cannot process the document correctly. It is the filer's responsibility to keep a

record of the original submission date and time, as well as the reason for the return of the filing, contained in the Filing Status Reports available through the filer's EDMS account under My Filings.

Rule 16.309 Date and time of filing; deadlines; technical difficulties.

16.309(1) *Date and time of filing; deadlines.*

a. An electronic filing may be made whenever EDMS is available, including holidays, weekends, and evenings. The availability of electronic filing, however, does not affect deadlines or the provisions for extension of deadlines in the Iowa Code or Iowa Court Rules. When a document is filed electronically, EDMS applies an electronic file stamp to the document reflecting the date or the date and time that the document was actually received by EDMS. See rule 16.306(2) and comment and rule 16.307.

(1) *Exceptions for trial informations and minutes of testimony.* Trial informations and accompanying minutes of testimony are not file stamped until the court approves them.

(2) *Submissions that the clerk of court returns.* A submission that the clerk of court returns unfiled because of an error is given a file stamp when the filer submits the corrected version.

b. The date and time of the electronic file stamp are considered the official filing date and time for purposes of computing relevant deadlines.

c. A document is timely filed if it is filed before midnight on the date the filing is due.

d. If a deadline established in these rules is different from a deadline established in a court order in a particular case, the deadline established in the court order controls.

16.309(2) *Technical difficulties.*

a. A party's technical difficulty or the unavailability of EDMS does not excuse a party from complying with a jurisdictional deadline.

b. If a registered filer is unable to meet a nonjurisdictional deadline due to a technical difficulty, the filer must file the document using the soonest available electronic or nonelectronic means. The filing is not timely unless the court determines it to be timely after the filer has had an opportunity to be heard on the matter.

16.309(3) *Notices of system unavailability.*

a. *Scheduled maintenance.* When EDMS will not be available due to scheduled maintenance, a notice of the date, time, and anticipated length of the unavailability will be posted on the Iowa Judicial Branch website and to other authorized social media.

b. *Unexpected unavailability.* When EDMS is unexpectedly unavailable, a notice of the problem will be posted on the Iowa Judicial Branch website and other authorized social media.

16.309(4) *Extended system unavailability; filing and service.*

In the event of an extended period when EDMS is not available, the filer may take a paper document to the clerk of court during regular business hours for filing. In such instances, the filer is responsible for service of the document on case parties entitled to service.

16.309(5) *Court-generated documents; computation of deadlines.* Electronic filings by the court, such as court orders, may be made at any time. They will receive a file stamp reflecting the date and time when EDMS received the filing. The clerk of court will process such filings with reasonable promptness during regular weekday hours before the filing is served electronically on all registered filers. Regardless of when a party receives notice of electronic filing of a court-generated document, the date and time of the file stamp are the official filing date and time for purposes of computing all relevant deadlines.

Comment:

Rule 16.309. Electronic filing enables the filing of documents outside of normal business hours. A document filed before midnight on the date the filing is due is considered timely filed. Filers are cautioned, however, not to wait until the last moment to file documents electronically as EDMS may not always be available. Just as a jurisdictional deadline cannot be extended for a filer, who—due to vehicle or traffic problems, for example—arrives at the courthouse moments after the clerk of court office has closed, jurisdictional deadlines cannot be extended for the filer who encounters system or other technical difficulties between the time of close of business and a midnight filing deadline.

Rule 16.310 Format of electronic documents. All documents filed electronically must be formatted according to applicable rules governing formatting of paper documents in the Iowa Rules of Civil Procedure and the Iowa Rules of Appellate Procedure. A document must be converted to a portable document format (.pdf) and must

not be password protected before the document is filed electronically. The filer must ensure that the filing is an accurate, complete, and readable reproduction of the document.

Rule 16.311 Attachments to electronic documents.

16.311(1) The following documents must be attached electronically to a filed electronic document without a separate electronic cover sheet:

a. When a court order is required to amend a previously filed document, the proposed amendment must be attached to a motion for leave to file that document.

b. Any item that is included as an exhibit to a document must be attached to the electronic document.

c. Any additional pages required to complete a court form must be attached to the electronic court form.

Comment:

Rule 16.311(1). Supporting materials attached to an application, motion, court form, or verification of account, etc., were called “exhibits” prior to electronic filing. In EDMS, those supporting materials are called “attachments,” and the term “exhibit” is reserved for evidence entered into the record at a hearing or trial. Examples of documents that are attached to other documents include supporting documents that are attached to an adoption petition, a written notice of intention to file an application for default that must be attached to a request for default, additional pages completing a court form, and evidence or affidavits used to support an application or a motion. The filer uploads the application, form, or motion into EDMS, and then selects “Attachment” as the document type for the supporting materials. When the filer picks the “Attachment” document type, the system prompts the filer to pick the document to attach to. The document and attachment are then electronically linked and will show on the case docket as related. See rule 16.412(5) (exhibits to pleadings).

16.311(2) Separate documents may be submitted at the same time but must be uploaded separately, with an individual document type selected for each document.

Comment:

Rule 16.311(2). Examples of such submissions are a petition for dissolution of marriage, a motion for temporary support, and a financial affidavit. There are, however, some documents that should not have other documents attached to them. For example, nothing should be attached to a proposed document. Also, a proposed order should not be attached to any other document, including the motion or application regarding that order.

Rule 16.312 Hyperlinks and other electronic navigational aids.

16.312(1) Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court and the parties. Each hyperlink must contain a complete text reference to the target of the link. This text reference, when copied, must enable a user to reach the same target that would be reached by activating the hyperlink.

16.312(2) If an electronically filed document contains hyperlinks, the filer is responsible for creating and embedding the links in the document.

16.312(3) Material that can be reached through a hyperlink in an electronic filing is not considered part of the official record or filing unless already part of the record in the case.

16.312(4) Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

16.312(5) Hyperlinks may provide an electronic link to other portions of the same document. It is not possible, however, to hyperlink from one document in the electronic court file to another document in the electronic court file.

Comment:

Rule 16.312. Use of hyperlinks for cited legal authorities is encouraged. Hyperlinks may also be used to refer the court to other information. Hyperlinks

are not part of the filed document, so the filed document must comply with traditional citation requirements. Filers are cautioned, however, that links to external documents or websites may become invalid over time. Additionally, the functionality of hyperlinks will depend on the web browser or computer application used to view the document.

Rule 16.313 Nonelectronic filings.

16.313(1) *Items that may be filed nonelectronically.* The following documents and other items may be filed nonelectronically and need not be maintained in the electronic court file unless these rules, the clerk of court, or the court otherwise require or authorize electronic filing:

a. The administrative record in cases in which the court is asked to rule based on that record, but all other documents, including the petition, answer, briefs, and motions, in the judicial review proceedings must be filed electronically and maintained in the electronic court file.

b. Transcripts of proceedings before the court that are not available in electronic format.

c. Any item that is not capable of being filed in an electronic format.

Comment:

Rule 16.313(1)(a). This rule addresses the cost and time concerns in administrative review cases by allowing the administrative record to be filed in a nonelectronic format. Besides their size, these records often contain sensitive information, such as information protected by federal HIPAA laws. This rule does not encompass cases covered by Iowa Code chapters 252C, 252F, and 252H. The documents generated in those cases should be filed electronically.

16.313(2) *Service of notice of items filed nonelectronically.* For items filed nonelectronically pursuant to rule 16.313(1), the filer must file an electronic notice of filing the item.

Rule 16.314 Original notice.

16.314(1) *Form of original notice.* When a party electronically files a new case, the party must submit an original notice as a separate document type along with the petition in the form the Iowa Rules of Civil Procedure require. In addition, the original notice—except in small claims actions—must:

- a. State that the case has been filed electronically.
- b. Direct the other party to this chapter of the Iowa Court Rules for general rules and information on electronic filing.
- c. Refer the other party to division VI of this chapter of the Iowa Court Rules regarding the protection of personal or confidential information in court filings.

16.314(2) *Clerks of court affixing seal to original notice.*

After a petition is filed, the clerk of court will electronically affix the clerk's seal to the original notice and electronically return a sealed and signed original notice to the registered filer.

16.314(3) *Service of original notices.* Original notices must be served upon the party against whom an action is brought in accordance with the Iowa Code and the Iowa Rules of Civil Procedure.

Comment:

Rule 16.314(3). Electronic service cannot be used to serve an original notice or any other document that is used to confer personal jurisdiction.

16.314(4) *Return of service.* After the original notice is served, the filer must scan and electronically file the return of service with the documents served.

Rule 16.315 Electronic service of documents subsequent to original notice.

16.315(1) *Electronic service of documents filed by registered filers.*

a. Completing the registration process, see rule 16.304(1), constitutes a request for, and consent to, electronic service of court-generated documents and documents other parties file electronically.

b. When a document is electronically filed, EDMS serves the document on all parties who are registered filers. See rule 16.201(11) (definition of “electronic service”). Service occurs by the posting of a notice of electronic filing or presentation into the filer’s EDMS account along with a link to the document or documents presented or filed. The posting of the notice of electronic filing or presentation constitutes service of the document for purposes of the Iowa Court Rules. No other service on those parties is required.

c. Notice of electronic filing or presentation will only be provided to registered filers and registered case parties who have filed an entry of appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor.

d. Notices of electronic filing or presentation will continue to be provided to a registered filer until the filer has filed a withdrawal from the case and, if applicable, obtained an order allowing the withdrawal.

e. Electronic service is not effective if the filer learns the notice of electronic filing or presentation was not transmitted to a party.

f. EDMS will not provide notices of electronic filing or presentation for documents filed pursuant to rule 16.405(4), 16.703, 16.704, or 16.802, or on documents that require personal service to confer jurisdiction. The filer is responsible for service of documents that must be personally served to confer jurisdiction in accordance with rule 16.315(2) on service to nonregistered filers.

Comment:

Rule 16.315(1)(e). Subject to the exceptions in rule 16.315(1)(f), when EDMS receives a filing covered by this rule, EDMS will automatically generate a notice of electronic filing or presentation, which contains a list of the parties who were served electronically and a list of the parties who must be served by other means. It is the responsibility of the filer to review the notice of electronic filing or presentation to ensure that all parties that require service have received it. If the filer learns of a delivery failure, the filer must provide service to that person by other means. A notice of electronic filing or presentation will not be generated on case initiation, on applications for warrants, on emergency applications (such as emergency removals or emergency detention in juvenile cases), or on documents proposed for restricted access or filed under an order restricting access.

16.315(2) *Service of paper copies on parties.* Parties must serve a paper copy of any filed document on a party who is not a registered filer in a manner authorized by the Iowa Code or the Iowa Court Rules, unless the parties agree to another method of service. When serving paper copies of electronically filed documents in cases with multiple nonregistered filers other than criminal defendants, the filer must include a copy of the notice of electronic filing or presentation. The clerk of court will provide a copy of the notice of electronic filing or presentation upon a nonregistered filer's request.

16.315(3) *Service of documents that nonregistered filers file or present.*

a. Service on registered filers of documents that nonregistered filers file or present will be made by the clerk electronically through EDMS, except for service of restricted access documents filed under rule 16.405. See rule 16.201(11) (definition of “electronic service”).

b. When a nonregistered filer submits a document to the clerk of court, the clerk will process the filing or presentation with reasonable promptness during regular weekday business hours before the filing is served electronically on all registered filers. In such event, the date and time on the file stamp are considered the official date and time of service for purposes of computing all relevant deadlines.

c. Nonregistered filers must serve a paper copy of documents they file with or present to the court on all persons entitled to service who are nonregistered filers in the manner the Iowa Rules of Civil Procedure or the Iowa Rules of Criminal Procedure require.

d. If a party receives a one-time exception to electronic filing pursuant to rule 16.302(2)(a), the procedures and requirements of rule 16.315(3) apply.

Rule 16.316 Certificate of service. A certificate of service must be filed for all documents EDMS does not serve. These include documents that must be served on parties who are nonregistered filers, documents that must be served on persons or entities

seeking to intervene in a confidential case, documents that persons or entities file pursuant to rule 16.319(2), and discovery materials. *See, e.g.,* rules 16.315(1)(b), 16.319(1)(c), and 16.401(1)(a). The certificate must be filed promptly and show the date and manner of service. The certificate of service may be included on the last page of the document.

Rule 16.317 Additional time after electronic service. When service of a document is made electronically, the time to respond is computed in the same manner as the Iowa Rules of Civil Procedure and the Iowa Rules of Appellate Procedure require for service by mail, fax, or email.

Rule 16.318 Service of court-generated documents.

16.318(1) *Electronic notice and service for registered filers.* EDMS will electronically serve any court-generated document on all registered filers entitled to service. *See* rule 16.201(11) (definition of “electronic service”). Posting the notice of electronic filing or presentation in the registered filer’s EDMS account constitutes service or notice of the document. Notice of electronic filing or presentation will only be provided to registered parties who have entered an appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor. Notices of electronic filing or presentation will continue to be provided to a registered filer until the filer has filed a proper withdrawal of appearance in a case and, if applicable, obtained an order allowing the withdrawal.

16.318(2) *Nonelectronic notice and service for nonregistered filers.* The clerk of court will mail paper copies of electronically filed court-generated documents to nonregistered filers entitled to service. In cases with additional nonregistered filers, the clerk may include a copy of the notice of electronic filing or presentation with the paper copy of the document. The clerk will not mail paper copies to registered parties who have not properly filed an entry of appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor. The clerk will not mail paper copies of court-generated documents to nonregistered parties represented by counsel unless the rules or a court order otherwise require it.

16.318(3) *Certificate of service.* For court-generated documents that EDMS does not electronically serve, the clerk of court may note on the docket the parties served and the method of service instead of filing a certificate of service.

Rule 16.319 Filing by potential intervenors or by nonparties.

16.319(1) *Potential intervenor filers.*

a. Manner in which to intervene. A person or entity seeking to intervene to become a party to a case must electronically file the application to intervene and all related documents unless excused from EDMS registration under rule 16.302(2).

b. Access to court file.

(1) Until the court grants the application to intervene, the person or entity seeking to intervene cannot download or view any confidential part of the court file, and the person or entity will not

receive a notice of electronic filing or presentation of any document filed in the case.

(2) If the court grants the application to intervene, the person or entity must promptly file an entry of appearance or a notice of case association.

(3) An entry of appearance or a notice of case association must be filed before the person or entity can receive a notice of electronic filing or presentation.

c. Service.

(1) The documents a person or entity seeking to intervene files must be served pursuant to rules 16.315(1)(b) and 16.315(2).

(2) The person or entity seeking to intervene is required to serve a paper copy of the document on parties who are nonregistered filers. *See* rule 16.315(2).

(3) If the court or a party files a document related to the application to intervene, a paper copy of the document must be served on the potential intervenor in the same manner as a nonregistered filer. *See* rules 16.315(2) and 16.318(1).

(4) If the application to intervene is granted, the intervenor will subsequently be served copies of filed documents pursuant to rules 16.315 and 16.318(2).

16.319(2) *Nonparty filers.*

a. Filing. Nonparty persons or entities entitled to file documents in a case without becoming a party need not appear in order to file documents. However, a nonparty filer must use electronic filing unless excused from EDMS registration under rule 16.302(2).

b. Access to court files. A nonparty cannot access the case remotely or download or view any confidential part of the court file. Additionally, a nonparty will not receive a notice of electronic filing or presentation of any document filed in the case.

c. Service. EDMS will serve on registered parties any documents a nonparty files. See rule 16.315(1)(b). The nonparty, however, must serve a paper copy of the document on parties who are nonregistered filers. See rule 16.315(2). If service of a document on the nonparty is required, a paper copy of the document must be served on the nonparty in the same manner as on a nonregistered filer. See rules 16.315(2) and 16.318(2).

Comment:

Rule 16.319(1). Examples of a party seeking to intervene in a case include a grandparent or relative seeking to become a party in a chapter 232 Child-in-Need-of-Assistance case or an attorney for an interested party in an estate.

Rule 16.319(2). This rule describes the filing and serving of documents when the filer does not intend to intervene to become a party to the case and will not enter an appearance or file an answer or a notice of case association in order to be indexed to the case by the clerk of court. An example of a nonparty filer who wishes to file on a case but not become a party to the case is a person who seeks to quash a subpoena.

Rule 16.320 Limited appearances.

16.320(1) Entry of appearance. An attorney whose role in a case is limited to one or more individual proceedings in the case must file a notice of limited appearance before or at the time of the proceeding. Upon the filing of this document, the attorney will receive electronic service of filed documents.

16.320(2) Termination of limited appearance. At the conclusion of the matters covered by the limited appearance, the attorney must file a notice of completion of limited appearance.

Upon the filing of this document, the attorney will no longer receive electronic service of documents filed in the case.

16.320(3) *Service on party.* During a limited appearance, the party on whose behalf the attorney has entered the appearance will continue to receive service of all documents.

Comment:

Rule 16.320(1). An entry of limited appearance is made on behalf of a case party and gives the attorney full case access and electronic notifications on the case. If an attorney is not filing on behalf of an existing party, the attorney should file an application to intervene pursuant to rule 16.319(1) or file as a nonparty filer (rule 16.319(2)). Access to some confidential files or documents may require a court order. An example of an attorney filing an entry of limited appearance is an attorney hired by a petitioner in a dissolution case to represent that petitioner at a hearing on temporary custody. This rule is consistent with the Iowa Rules of Civil Procedure on limited appearances in that electronically filing the notice of limited appearance will cause EDMS to serve the notice on all registered parties. If there is a nonregistered party in the case, the filer must serve the notice on that party by other means. See chapter 32:1.2 Rules of Professional Conduct.

Rules 16.321 to 16.400 Reserved.

Division IV
Filing Processes

Rule 16.401 Discovery.

16.401(1) *Service of discovery materials.*

a. Service. Parties may serve requests for discovery, responses to discovery, and notices of deposition by email on registered filers.

b. Time service occurs. When service is made by email, the time to respond is computed according to the Iowa Rules of Civil Procedure.

16.401(2) *Filing notice of discovery requests and responses.* Parties must file a notice with the court when serving a request for discovery, a response to discovery, or a notice of deposition on another party. The notice must identify the document served and include the date, manner of service, and the names and addresses of the persons served. This rule only requires the filing of a notice of deposition or a notice indicating that a discovery request or response was made. Parties should continue to follow the Iowa Rules of Civil Procedure with respect to the filing of discovery materials.

Comment:

Rule 16.401(2). This rule adds a layer of protection for parties. Registered filers' computer filters may occasionally filter out an emailed discovery request or response. Rule 16.401(2) ensures that registered filers will at least know they should have received a discovery document.

Rule 16.402 Transcripts. Transcripts must be filed electronically in a secure format in accordance with rule 16.601(2), any administrative directive from the state court administrator, and the formatting requirements of Iowa Rule of Appellate Procedure 6.803(2). Transcripts of court proceedings on appeal from the district court must be electronically filed as searchable .pdf documents into the district court case file.

Rule 16.403 Expedited relief. Requests for expedited relief must be noted on the electronic cover sheet.

Rule 16.404 Briefs. Legal briefs and memoranda must be electronically filed.

Rule 16.405 Restricting access to filings.

16.405(1) Scope. This rule covers restricting access to filings in the court system, including documents, exhibits, docket entries, cases, and other items or materials.

16.405(2) Applications to restrict access.

a. A filer seeking to restrict access to materials that are not deemed confidential by statute or rule must file an application to restrict access.

b. If a filer seeks to restrict access to a document or exhibit, the document or exhibit must not be attached to the application or the document or exhibit will become part of the public court file.

c. Documents or exhibits proposed for restricted access must be electronically presented to the court for review when reasonably practicable.

d. Either in the application to restrict access or in a proposed order presented with the application, the filer must clearly state who should have access to the materials.

e. If the court grants the application, restricted access will be placed on the materials at the security level specified in the order. If a document or exhibit is electronically presented with the application, the document or exhibit will be filed with the access specified in the order.

f. Rules governing electronic filing of restricted access documents in appeals to the Iowa Supreme Court are included in the Iowa Rules of Appellate Procedure.

Comment:

Rule 16.405(2)(d). For example: “Only attorneys and case parties should have access to this document.”

Rule 16.405(2)(e). The court may approve the application and restrict access to the material to a specific level, or the court may deny the application and either order that the material be filed with public access or order that the material not be filed.

16.405(3) *Documents or exhibits filed subsequent to order to restrict access.* If the court enters a protective order or an order directing or permitting the filing of documents or exhibits with restricted access, the parties must, without further order from the court, designate any document or exhibit filed under this rule as “Filed under order to restrict access” on the electronic cover sheet. All parties to the case must comply with any order restricting access. Any document or exhibit disclosing information that is subject to an order restricting access must also be filed with restricted access.

16.405(4) *Service of documents or exhibits proposed for restricted access or filed under order restricting access.* EDMS will not serve documents or exhibits that are proposed for restricted access or that are filed under an order restricting access. The filer is responsible for service under rule 16.315.

16.405(5) *System-restricted documents, exhibits, or cases.* Access to certain categories of documents, exhibits, or cases is restricted based on statutory or court rule requirements. Within EDMS, access is restricted automatically without application or an order of the court. A current list of system-restricted documents,

exhibits, and cases is available from the clerk of court and is available on the Iowa Judicial Branch website.

16.405(6) *Access to restricted documents and docket entries.*

EDMS restricts access to documents in three ways:

a. Some documents available only to certain parties and the court may be referenced in a docket entry available to the public. In civil cases, most restricted access documents are referenced in a docket entry available to the public, but only certain parties and the court may view the documents themselves.

b. Some documents available only to certain parties and the court may not be referenced in a docket entry available to the public.

c. Some documents available only to the court are not referenced in a docket entry available to the parties or the public.

Comment:

Rule 16.405(6)(a). Examples of these documents include presentence investigation reports, minutes of testimony, and documents filed under restricted access pursuant to this rule.

Rule 16.405(6)(c). Examples of these documents include applications for search warrants and search warrants that have not been executed.

16.405(7) *Nonelectronic filings.* All nonelectronic filings with the court must conform to the personal privacy rules that apply to electronic documents.

Rule 16.406 In camera inspection. When the court orders in camera inspection of material, such material may be electronically presented to the court. After the court has examined the material and has entered an order concerning the issues raised by the material, if the court does not order the material to be produced in whole or in part, the court will file the presented material and

restrict access to the level of security available to clerks of court and judges only.

Rule 16.407 Subpoenas. The clerk of court may electronically make subpoenas available to registered filers in accordance with the Iowa Rules of Civil Procedure and the Iowa Rules of Criminal Procedure.

Rule 16.408 Clerk of court certification of documents. Certified copies of electronically filed documents may be obtained from the clerk of court electronically or nonelectronically. The fee for a certified copy is established in the Iowa Code and the Iowa Court Rules. The clerk may certify documents by digitized or electronic signature and seal.

Rule 16.409 Proposed orders. A proposed order may be electronically presented with a motion or without a motion. The proposed order must be submitted in an editable format capable of being read by Microsoft Word. Acceptable fonts are: Arial, Times New Roman/Times, Courier New, Tahoma/Geneva, Helvetica, Calibri, and Cambria. The document must not be password protected.

Rule 16.410 Court reporter notes. Court reporters who have computer-aided transcription capability must electronically file court reporter notes.

Rule 16.411 Original documents.

16.411(1) Generally.

a. When the law requires the filing of an original document, such as a will, codicil, mortgage document, note payable, birth certificate, foreign judgment, or other certified or verified document, the filer must scan the original document and electronically file the scanned document.

b. The filer must retain the original document for a period of no less than two years or until the conclusion of the case, conclusion of the appeal, conclusion of the estate, or as required by other applicable law.

c. The filer must immediately deliver the original document to the court upon request of the court or a party for inspection and nonelectronic preservation.

d. When the document is an original will, codicil, or a document having physical characteristics that must be present for the document to be valid or enforceable, the filer may, after filing the document electronically, submit it to the clerk of court for nonelectronic preservation.

16.411(2) Exceptions for authorized governmental agencies.

A governmental agency with statutory authority to destroy an original document after making an unaltered image or electronic reproduction of the original document must retain and, upon request of the court or other party, immediately deliver an unaltered image or electronic reproduction of the original document to the court or other party for inspection and reproduction, if necessary.

Rule 16.412 Exhibits.

16.412(1) *Maintenance of hearing and trial exhibits.*

a. Exhibits offered at a hearing or a trial must be maintained electronically for purposes of the record.

b. Exhibits offered at a hearing or a trial that cannot reasonably be maintained electronically may be maintained nonelectronically for purposes of the record.

c. Prior to offering an exhibit, the submitting party must redact the exhibit pursuant to division VI of this chapter (Personal Privacy Protection), except as provided in rule 16.601(3) (exhibits).

Comment:

Rule 16.412(1). EDMS is designed to store or maintain in an electronic form as many exhibits as possible. Rule 16.412 does not specify when exhibits should be converted to electronic form and decisions on when to do so will need to be made on a case-by-case basis. Examples of exhibits that may not be reasonably maintained electronically include physical exhibits, large or original photographs, and blueprints.

16.412(2) *Electronic submission of proposed exhibits.*

a. A party may submit proposed exhibits to the court prior to the hearing or trial in which the party intends to offer the proposed exhibits for admission into evidence. Upon submission through EDMS, each proposed exhibit will receive a file stamp. Case attorneys and self-represented case parties will have access to proposed exhibits. Exhibits offered or admitted into evidence are subject to the public access and personal privacy rules of divisions V and VI of this chapter.

b. Each proposed exhibit must be submitted as a separate docket event. The filer must insert a description into the "Additional Text" field. An exhibit that exceeds the required size limit as posted in the electronic filing section of the Iowa Judicial

Branch website must be separated into parts of an acceptable size, and each part must be filed as a separate attachment under the same docket event. When an exhibit is filed in multiple parts, the filer must insert a description for each part into the “Additional Text” field.

c. At the conclusion of the trial or hearing, the court, except in juvenile court proceedings, shall enter an exhibit maintenance order that states which proposed exhibits were offered or admitted into evidence. If no party files an objection to the exhibit maintenance order within 10 business days, the clerk of court thereafter may delete proposed exhibits that are not listed in the order.

Comment:

Rule 16.412(2). Access to proposed exhibits filed before trial is restricted to self-represented case parties, attorneys indexed to the case, and the court. The court may ask attorneys who have filed proposed exhibits to bring paper copies to trial for the court and jury. If an exhibit in a public case contains protected information, the party offering it, or the party filing it as proposed, must redact the protected information before the exhibit becomes public. Rule 16.601(3) allows the submitting party 14 days to redact the exhibit before it becomes public. Admitted exhibits that a party has not identified as containing protected information generally become public. Exhibits submitted in paper in all proceedings, including proceedings listed in rules 16.412(3) and 16.412(6), may remain in paper unless the matter is appealed, at which time the clerk of court will scan the exhibits. Examples of descriptions in the “Additional Text” field for proposed exhibits include “Exhibit 1—Contract” or “Exhibit A—Letter from Jane Doe.” Examples of “Additional Text” field descriptions for exhibits filed in multiple parts include “Exhibit 1.1—Contract (Part 1)” or “Exhibit 1.2—Contract (Part 2).”

16.412(3) *Exhibits offered at a hearing or a trial that were not submitted as proposed exhibits.* When offered or admitted at hearing or trial, an exhibit that can reasonably be maintained electronically, but that was not previously submitted as a proposed exhibit, will remain nonelectronic unless the court orders

otherwise. Upon an appeal in the case, the clerk of court will electronically file the exhibit.

16.412(4) *Index of nonelectronic exhibits.* When a party offers one or more exhibits that will be maintained nonelectronically under rule 16.412(1)(b), (c), or (d), the party must electronically file an index of the exhibits. The index should list and briefly describe the nonelectronic exhibits.

16.412(5) *Exhibits to pleadings.* Under rule 16.311(1), evidentiary material that is submitted with or attached to a motion or other pleading must be filed as an attachment and should not be submitted as a proposed exhibit.

16.412(6) *Submission of proposed exhibits in small claim, simple misdemeanor, traffic, and municipal infraction cases.* Proposed exhibits may be but are not required to be submitted electronically in small claim, simple misdemeanor, traffic, and municipal infraction cases. The submitting party must redact proposed exhibits, whether electronic or nonelectronic, pursuant to division VI of this chapter prior to submitting the proposed exhibits. Upon initiation of an appeal in the case types included in this rule, the clerk of court will convert exhibits admitted in nonelectronic form to an electronic form when possible.

16.412(7) *Submission of video and audio exhibits.*

a. Video exhibits. Video exhibits must be submitted in the following format: .avi, .flv, .mpeg, .mp4, .wms, or .mov. Or, the video exhibit must be submitted with a player application that allows the exhibit to be viewed. Video exhibits cannot be electronically filed but may be submitted to the court on a media

storage device such as a CD, DVD, or flash drive. The media storage device must contain only the exhibit or exhibits and any required player application and no other files or applications. Upon initiation of an appeal the clerk of court will provide any video exhibits to the appellate court.

b. Audio exhibits. Audio exhibits must be submitted in the following format: .wav, .mp3, or .wma. Or, the audio exhibit must be submitted with a player application that allows the exhibit to be heard. Audio exhibits cannot be electronically filed but may be submitted to the court on a media storage device such as a CD, DVD, or flash drive. The media storage device must contain only the exhibit or exhibits and any required player application and no other files or applications. Upon initiation of an appeal, the clerk of court will provide any audio exhibits to the appellate court.

c. Video and audio exhibits in an appeal to district court. Transcribed portions of a video or audio exhibit may be included in documents filed in an appeal to the district court, provided the transcribed material was properly admitted in the underlying court case. The parties must not embed or include actual audio or video in any documents filed in an appeal to the district court.

16.412(8) *Disposition of scanned exhibits.* Exhibits for which the clerk of court is responsible for scanning will be disposed of according to the requirements of the Iowa Rules of Civil Procedure and Iowa Rules of Criminal Procedure.

Rules 16.413 to 16.500 Reserved.

Division V
Public Access

Rule 16.501 General rule. All filings in the Iowa court system are public unless system restricted or filed with restricted access. Electronic filing does not affect public access to court files.

Comment:

Rule 16.501. Electronic filing does not affect which documents or court files the public may access or which documents or files are deemed confidential. Any member of the general public may view a nonconfidential file or document from public access terminals located at the courthouse in which the case is pending.

Rule 16.502 Access to electronic court files.

16.502(1) *Registered filers.*

a. Attorneys licensed to practice law in Iowa. Registered attorneys licensed to practice law in Iowa have remote access to all public documents in public court files except in juvenile delinquency cases prior to the child's being adjudicated delinquent. Registered attorneys who are licensed to practice law in Iowa have limited access to birth dates and names of children, which are normally considered protected information under rule 16.602, in public court files. Access to the birth dates and names of children in cases in which an attorney has not entered an appearance is limited to confirmation of the information the attorney supplies regarding the birth date or child's name in a particular case.

b. Attorneys admitted pro hac vice. Registered attorneys admitted pro hac vice have remote access only to the documents filed in the cases in which the attorneys are admitted pro hac vice.

c. Self-represented litigants and parties to a case. Registered self-represented litigants and parties to a case who have obtained a login and password have remote access only to documents filed in the cases in which they are a party.

16.502(2) *Abstractors.* Abstractors have remote access to all public documents in public court files. See rule 16.304(1)(d). Abstractors have limited access in public court files to birth dates and names of children, which are normally considered protected information under rule 16.602. Access to birth dates and names of children is limited to confirmation of information that the abstractor supplies regarding the birth date or child's name in a particular case.

16.502(3) *Specialized nonparty filers.* Specialized nonparty filers, see rule 16.304(1)(b), may file documents in cases in which they are not a party, but specialized nonparty filers do not have remote access to electronic court files.

16.502(4) *Members of the general public.*

a. Members of the general public may view electronic documents in public cases at public access terminals in the county courthouse in which the case is pending.

b. To view electronic documents in public cases on appeal to the Iowa Supreme Court, members of the general public may use a public access terminal located in the Judicial Branch Building in Des Moines, Iowa, or a public access terminal located in the county courthouse in which the underlying case originated.

Rule 16.503 Public access terminals. The Iowa Judicial Branch will maintain at least one public access terminal in each county courthouse and in the Judicial Branch Building.

Rule 16.504 Bulk distribution. The Iowa Judicial Branch may fulfill requests for copies or reproductions of public electronic documents or records filed in more than a single electronic case if fulfilling such requests will not impair or interrupt the regular operation and efficiency of EDMS and complies with administrative directives or approvals from the state court administrator.

Comment:

Rule 16.504. Such state court administrator directives or approvals may take into consideration the system, staffing, and equipment capacity of EDMS.

Rules 16.505 to 16.600 Reserved.

Division VI
Personal Privacy Protection

Rule 16.601 Responsibility to redact or mask protected or confidential information.

16.601(1) *Responsibility of filers generally.*

a. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.

b. The clerk of court will not review filings to determine whether appropriate omissions or redactions have been made. The clerk will not, on the clerk's own initiative, redact or restrict access to documents containing protected information.

c. A filer waives the protections of the rules in division VI of this chapter as to the filer's own information by filing the information without redaction.

16.601(2) *Transcripts.*

a. When a transcript is filed that contains protected information, the court reporter must also file a notice of transcript redaction along with a redacted version of the transcript in accordance with administrative directives from the state court administrator.

b. The parties to the action are also responsible for ensuring the appropriate information in the transcript is redacted. After the court reporter has filed a notice of transcript redaction, each party must within 21 days from the date of the filing of the notice of transcript redaction review the designated material and, if necessary, request additional designation of protected information or note where information was improperly redacted. To stipulate to additional redactions or corrected redactions, the parties must file the Stipulation Re: Transcript Redaction form found in the electronic filing section of the Iowa Judicial Branch website.

c. The court will resolve any disagreement on the designation of protected information.

d. The redacted transcript will not be available to the public until all requests for additional designation or claims of improper redaction are resolved.

e. A party's failure to file a response within 21 days from the date the notice of transcript redaction is filed is deemed the party's agreement that the transcript is properly redacted.

16.601(3) Exhibits.

a. *Electronically submitted exhibits.* If protected information must be included in an exhibit pursuant to rules 16.603(2) and 16.603(4), the submitting party must redact the proposed exhibit.

b. *Nonelectronic exhibits offered at hearing or trial.* If protected information is included in a nonelectronic exhibit that was offered at a hearing or trial, the offering party must inform the court of the inclusion of protected information and request that the exhibit be treated as a confidential document. Within 14 days of offering the nonelectronic exhibit identified as containing protected information, the offering party must electronically file a redacted copy of the exhibit that will be available to the public.

Comment:

Rule 16.601. The redaction rules in division VI apply to all documents filed electronically as well as to filings submitted to the court in paper on electronic cases, such as exhibits that are offered in paper at a hearing or trial or filings an excused filer submits in paper for the clerk of court to scan. The personal privacy protection rules, 16.601 through 16.609, assist in protecting certain identifying information from widespread dissemination and possible misuse. To provide greater protection, parties should not put this information in documents filed with the court unless it is required by law or is material to the proceedings. If the information is required by law or material to the proceedings, parties should carefully follow the redaction rules in division VI. Disclosure of protected information in orders and other court-generated documents that require enforcement or action by someone outside the court falls under rule 16.603(4).

Rule 16.602 Protected information. Protected information includes the following:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information as defined in rule 16.201.

Rule 16.603 Omission and redaction requirements.

16.603(1) *Protected information that is not required by law or is not material to the proceedings.* A filer may omit protected information from documents filed with the court when the information is not required by law or is not material to the proceedings.

16.603(2) *Protected information that is required by law or is material to the proceedings.* When protected information is required by law to be included or is material to the proceedings, a filer may record the protected information on a separate protected information form. See rule 16.606. The filer must ensure that the protected information is redacted from any other document before filing the document with the court. See rule 16.605 (manner in which to redact protected information).

16.603(3) *Restricted access documents.* Parties are not required to redact protected information from documents that are

confidential by statute, rule, or court order. Redaction is required, however, for materials that are initially confidential but which later become public, such as documents in dissolution proceedings.

16.603(4) *Disclosure allowed.* A filer may disclose protected information only when that information is an essential or required part of the document or the court file. Disclosure of protected information must be as narrow as reasonably practicable.

a. All orders and other court-generated documents containing protected information that require enforcement or action by someone outside the court fall under rule 16.603(4).

b. Judicial officers may include protected information in a nonpublic court order to obtain required enforcement or action with a redacted public version of that order.

Comment:

Rule 16.603(4)(a). Such documents include, but are not limited to, the following: writs of execution that require a full financial account number; juvenile transportation orders and placement orders containing a child's full name and identifying information; letters of appointment with full names of minors in guardianship and conservatorship cases; qualified domestic relation orders; protective orders and other orders containing full names of juveniles; and applications, orders, and resulting arrest warrants, juvenile summons, and writs of mittimus containing a defendant's full name, date of birth, and social security number.

16.603(5) *Full disclosure of the names of minor children.*

The name of a minor child may be case information that is an essential or material part of the court record. See rule 16.801(2)(a) (regarding use of the full name of minors in juvenile delinquency cases).

Comment:

Rule 16.603(5). Examples of when the name of a minor child is essential to the court record include: the name of a minor child who is the ward in a guardianship or conservatorship case or who is the subject of a civil name change petition; or the name of a minor child who is a criminal defendant, defendant on a traffic citation or municipal infraction, or defendant in a domestic abuse or elder abuse case or other such case.

16.603(6) *Redaction in cases after disposition.* A party must apply to the court to file a redaction of a document in a case in which judgment is final. The application must state the reasons for and manner of redaction. When the court has approved the application, the filer must electronically file the redaction.

Rule 16.604 Information that may be redacted. A filer may redact the following information from documents available to the public unless the information is required by law or is material to the proceedings:

1. Driver's license numbers.
2. Information concerning medical treatment or diagnosis.
3. Employment history.
4. Personal financial information.
5. Proprietary or trade secret information.
6. Information concerning a person's cooperation with the government.
7. Information concerning crime victims.
8. Sensitive security information.
9. Home addresses.

Rule 16.605 Manner in which to redact protected information.

16.605(1) *Documents created for filing with the court.* When protected information that is required by law or that is material to the proceedings must be included in a document that a filer is creating specifically for filing with the court, when reasonably

practicable only a portion of the protected information should be used.

Comment:

Rule 16.605(1). Examples of portions of protected information include: if a Social Security number must be included in a document, only the last digit of that number is used; if financial account numbers are relevant, only incomplete numbers are recited in the document; if a person's date of birth is necessary, only the year is used; if a minor child's name must be mentioned, only the child's initials are used.

16.605(2) *Original documents that are required to be filed with the court.*

a. When an original document contains protected information that is required by law or is material to the proceedings as specified in rule 16.602, the filer must redact that information.

b. The unredacted version of the original document must be filed if such filing is required by law or the redacted information may be material to the proceeding.

c. If an original document has multiple pages that contain entirely protected information, a single page may be submitted in the public version of the document.

d. If a paper document contains protected information, the filer is responsible for making the same redactions on paper before filing the document that are required for electronic filings in rule 16.605. For original documents that have not been created by the filer, the filer must deliver both a redacted version and the original version of the document to the clerk of court unless rule 16.605(2)(c) applies.

Comment:

Rule 16.605(2)(a) and (b). If the unredacted version must be filed, the filer must scan in and file the unredacted version. The filer then must scan and file the redacted version, selecting "Redaction" as the document type on the electronic cover sheet. The filer must then relate the redaction to the original

document. EDMS will file the unredacted version as restricted access and the redacted version as the public version of the document. For example, when filing an original birth certificate into a change of name case, the filer makes a copy of the birth certificate, using a permanent marker to black out the date of birth on the copy. The filer then scans and files the original birth certificate as an exhibit or attachment, then scans and files the redacted copy as a redaction. Only the redacted copy will be available to the public. A filer should not rely on software to redact protected information as the information may in fact be retrievable. Documents redacted in this way may be alterable and the protected information revealed.

Rule 16.606 Protected information form.

16.606(1) *Protected information form required.* When a filer is required to include protected information in a filed document, the filer may file a protected information form. The electronic filing section of the Iowa Judicial Branch website provides the form. The protected information form must contain the protected information in its entirety as well as the redacted version of the information used in the filed document. All references in the case to the redacted information included in the protected information form will be construed to refer to the corresponding complete protected information. The protected information form is not available to the public but is available to case parties.

16.606(2) *Supplementing protected information form.* When new information is needed to supplement the record or if information already contained in the protected information form needs to be updated or corrected, the parties must file an updated protected information form including all previously disclosed protected information plus any additions, changes, or corrections.

Rule 16.607 Orders and other court-generated documents. All orders and other court-generated documents will follow the

omission and redaction requirements in rule 16.603. Orders and other court-generated documents will use the redacted version of the protected information found in the protected information form that the parties file. See rule 16.606. Orders and other court-generated documents containing protected information that require enforcement or action by someone outside the court are governed by rule 16.603(4).

Rule 16.608 Improperly included protected information.

16.608(1) A party may apply to the court to redact improperly included protected information from a filed document or court file and may request an immediate order to temporarily restrict access to the document or court file pending notice and opportunity to be heard by all parties.

16.608(2) If, after all parties have been provided an opportunity to be heard, the court finds protected information was improperly included in a filed document, the court may restrict access to the document and may order a properly redacted document to be filed.

Rule 16.609 Sanctions. If a filer incorrectly files documents containing unredacted protected information, the court, upon its own motion or upon the motion of any party, may impose sanctions. A sanction imposed under this rule must be limited to that which will deter repetition of the conduct or comparable conduct by others. The sanction may include nonmonetary directives or an order to pay a penalty into court. If a party is

required to file a motion to address a violation of division VI of this chapter, the court may award to the moving party reasonable attorney's fees and other expenses directly resulting from the violation.

Rules 16.610 to 16.700 Reserved.

Division VII Criminal Cases

Rule 16.701 Criminal cases generally.

16.701(1) *EDMS in criminal cases.* All criminal cases will be opened using EDMS.

16.701(2) *Applicability of other chapter 16 rules to criminal cases.* The rules in divisions I through VI of the Iowa Rules of Electronic Procedure, including rules on the protection of personal privacy, apply in criminal cases except as stated in this division.

16.701(3) *Self-represented criminal defendants.* A self-represented criminal defendant is not required to register but may choose to register for electronic filing. If a person excused from electronic filing chooses to register, the person waives the exception and is governed by these rules in the same manner as any registered filer. A person who subsequently desires to be excused must apply for and receive an exception pursuant to these rules.

Rule 16.702 Warrants and other similar applications. When made during regular court hours, applications for search warrants, applications for arrest warrants, and other similar applications may be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court in the same manner as proposed orders are presented pursuant to rule 16.409. If the applicant or the court does not have immediate access to such technology, the application must be presented to the court in paper form and later scanned into EDMS.

Rule 16.703 Documents initiating criminal cases.

16.703(1) *Trial informations and indictments.*

a. Trial informations. Trial informations must be electronically presented to the court for approval. If the court approves the trial information, the information is electronically file stamped and filed. If the court refuses to approve the trial information, the prosecuting attorney is electronically notified.

b. Indictments. Indictments containing a nonelectronic signature of a foreperson of a grand jury must be scanned before being electronically filed in EDMS.

16.703(2) *Complaints, traffic tickets, and similar citations.* Complaints, traffic tickets, or similar citations containing the electronic signature of an arresting officer or other person must be transmitted to EDMS in such a manner as to legibly reproduce an unaltered image of the required signature or display a realistic image of the signature.

Rule 16.704 Signatures of criminal defendants. When a criminal defendant's signature is required on a document, the signature may be placed on the document in the following ways.

16.704(1) *Nonelectronic signature.* A criminal defendant may sign a document nonelectronically, and the document must be scanned for electronic filing.

16.704(2) *Computer tablet signature.* A criminal defendant may electronically sign a document using a computer tablet or similar technology.

16.704(3) *Login and password.* A criminal defendant who is a registered filer may sign the document using the defendant's login and password accompanied by a digitized or electronic signature. See rule 16.705 (documents requiring oaths, affirmations, or verifications).

Rule 16.705 Documents requiring oaths, affirmations, or verifications. Any document requiring a signature to be made under oath or affirmation or with verification may be signed either nonelectronically and scanned into EDMS or may be signed with a digitized signature.

Comment:

Rule 16.705. Uniform citations and complaints are examples of documents under rule 16.705.

Rule 16.706 Copies of documents for self-represented defendants. The court will provide self-represented criminal defendants who have not registered for electronic filing paper

copies of all documents submitted to the court or filed by the court.

Rule 16.707 Written plea agreements. Written plea agreements may be electronically presented to the court but need not be filed prior to a plea proceeding. If the plea is accepted, the electronically presented plea agreement is filed.

Rules 16.708 to 16.800 Reserved.

Division VIII Juvenile Cases

Rule 16.801 Juvenile cases generally.

16.801(1) *EDMS in juvenile cases.* All juvenile cases, with the exception of waivers of parental notification, will be opened using EDMS.

16.801(2) *Applicability of other chapter 16 rules to juvenile cases.* The rules in divisions I through VI of the Iowa Rules of Electronic Procedure, including rules on the protection of personal privacy, apply in all juvenile cases except as stated in this division.

a. Exception to protected information rule 16.602 for the name of a minor child. The name of a minor child who is the subject of a petition or complaint alleging delinquency will not be

disclosed and is considered protected information unless exempted under Iowa Code section 232.147.

b. Exception for nonregistered self-represented parents, guardians, or legal custodians. Nonregistered self-represented parents, guardians, or legal custodians of a minor child in a juvenile case are excused from registration and electronic filing.

c. Exception to exhibit maintenance order. The juvenile court may use but is not required to use the exhibit maintenance order in juvenile proceedings.

Rule 16.802 Emergency applications. When made during regular court hours, applications for emergency orders may be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court in the same manner as proposed orders are presented pursuant to rule 16.409. If the applicant or the court does not have immediate access to such technology, the application may be presented to the court in paper form and later scanned into EDMS.

Comment:

Rule 16.802. Examples of emergency applications include applications for placement in shelter care, placement in detention, requests for emergency medical care, and removal from parental custody.

Rule 16.803 Signatures. When the signature of a parent, guardian, custodian, child as defined in the Iowa Code, or adult within the jurisdiction of the juvenile court is required on a document, the signature may be placed on the document in one of the following ways:

16.803(1) *Nonelectronic signature.* The person may sign a document nonelectronically and the document must be scanned for electronic filing.

16.803(2) *Computer tablet signature.* The person may electronically sign a document using a computer tablet or similar technology.

16.803(3) *Login and password.* If the person is a registered filer, the person may sign the document using the person's login and password, accompanied by a digitized or electronic signature. See rule 16.804 (documents requiring oaths, affirmations, or verifications).

Rule 16.804 Documents requiring oaths, affirmations, or verifications. Any document requiring a signature to be made under oath or affirmation or with verification may be signed either nonelectronically and scanned into the electronic document management system or may be signed with a digitized signature.

Rules 16.805 to 16.900 Reserved.